

Department of Education
OFFICE FOR CIVIL RIGHTS
Fiscal Year 2011 Budget Request

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OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, [\$103,024,000] \$105,700,000. (*Department of Education Appropriations Act, 2010.*)

OFFICE FOR CIVIL RIGHTS

**Amounts Available for Obligation
(\$000s)**

| | 2009 | 2010 | 2011 |
|---|-------------|-----------|-----------|
| Discretionary appropriation: | | | |
| Appropriation | \$96,826 | \$103,024 | \$105,700 |
| Transfer to Career, Technical, and Adult Education for Adult Education State Grants (P.L. 111-32) | <u>-60</u> | <u>0</u> | <u>0</u> |
| Subtotal, appropriation | 96,766 | 103,024 | 105,700 |
| Unobligated balance expiring | <u>-125</u> | <u>0</u> | <u>0</u> |
| Total, direct obligations | 96,641 | 103,024 | 105,700 |

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Obligations by Object Classification (\$000s)

| Object Class | 2009 | 2010 | 2011 | CHANGE FROM 2010 to 2011 |
|--------------------------------------|----------|----------|----------|-----------------------------|
| 11.10 Full-time permanent | \$53,364 | \$57,810 | \$59,358 | \$1,548 |
| 11.31 Full-time temporary | 1,055 | 995 | 1,013 | 18 |
| 11.32 Part-time | 1,929 | 1,791 | 1,823 | 32 |
| 11.33 Consultants | 2 | 0 | 0 | 0 |
| 11.51 Overtime | 7 | 18 | 18 | 0 |
| 11.52 Awards | 557 | 569 | 650 | 81 |
| 11.80 Other Compensation | 0 | 0 | 0 | 0 |
| Compensation subtotal | 56,914 | 61,183 | 62,862 | 1,679 |
| 12.00 Benefits | 14,808 | 15,140 | 16,430 | 1,290 |
| 13.10 Benefits for former personnel | 25 | 0 | 0 | 0 |
| Comp/benefits subtotal | 71,747 | 76,323 | 79,292 | 2,969 |
| 21.00 Travel | 516 | 898 | 900 | 2 |
| 22.00 Transportation of things | 29 | 4 | 4 | 0 |
| 23.10 Rental Payments to GSA | 8,631 | 8,776 | 8,867 | 91 |
| 23.31 Communications | 683 | 400 | 107 | (293) |
| 23.32 Postage/fees | 5 | 36 | 36 | 0 |
| Subtotal 23 | 9,319 | 9,212 | 9,010 | (202) |
| 24.00 Printing & Reproduction | 18 | 86 | 86 | 0 |
| 25.10 Advisory and Assistance Svcs | 0 | 0 | 0 | 0 |
| 25.21 Other Services | 1,005 | 1,166 | 1,353 | 187 |
| 25.22 Training/Tuition/Contracts | 104 | 311 | 218 | (93) |
| 25.23 Field Readers | 0 | 0 | 0 | 0 |
| 25.30 Goods/Services from Gov't | 3,445 | 3,204 | 3,160 | (44) |
| 25.40 Operations/Maint of Facilities | 0 | 1 | 1 | 0 |
| 25.50 Research & Development | 0 | 0 | 0 | 0 |
| 25.71 Operations/Maint of Equipment | 45 | 0 | 0 | 0 |
| 25.72 IT Services/Contracts | 9,949 | 11,273 | 11,119 | (154) |
| Subtotal 25 | 14,548 | 15,955 | 15,851 | (104) |
| 26.00 Supplies | 154 | 223 | 223 | 0 |
| 31.10 IT Equipment/Software | 140 | 253 | 264 | 11 |
| 31.30 Other Equipment | 1 | 20 | 20 | 0 |
| Subtotal 31 | 141 | 273 | 284 | 11 |
| 32.00 Building Alterations | 169 | 50 | 50 | 0 |
| 41.10 Grants | 0 | 0 | 0 | 0 |
| 41.23B Admin Expense Allowance | 0 | 0 | 0 | 0 |
| 43.10 Interest and Dividends | 0 | 0 | 0 | 0 |
| Total | 96,641 | 103,024 | 105,700 | 2,676 |

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Summary of Changes
(\$000s)

| | | |
|--|------------------|----------------|
| | 2010 | \$103,024 |
| | 2011 | <u>105,700</u> |
| | Net change | +2,676 |

| | <u>2010 base</u> | <u>Change from base</u> |
|--|------------------|-------------------------|
| Increases: | | |
| <u>Built in:</u> | | |
| Increase in personnel compensation for the 2.0 percent 2010 and 1.4 percent proposed 2011 pay increases. An additional 5 FTE are necessary to ensure successful management of OCR programs and priorities. | \$60,596 | +\$1,598 |
| Increase in benefits for OCR's share of health, retirement, and other benefits. | 15,140 | +1,290 |
| Increase in rent due to tax increases and lease renewals. | 8,776 | +91 |
| <u>Program:</u> | | |
| Increase in awards to reward and help retain high performing staff. | 569 | +81 |
| Small increase in travel. | 898 | +2 |
| Increase in information technology equipment/software for EDUCATE. | 253 | +11 |
| Increase in other services for the IPEDS Fall Staffing Survey and Completion Survey, and moving services. | 1,166 | <u>+187</u> |
| Subtotal, increases | | +3,260 |

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Summary of Changes
(\$000s)

| | <u>2010 base</u> | <u>Change from base</u> |
|--|------------------|-----------------------------|
| Decreases: | | |
| <u>Program:</u> | | |
| Decrease in communications due to lower anticipated circuit costs. | \$400 | -\$293 |
| Decrease in training due to cost savings realized through more in-house training. | 311 | -93 |
| Decrease in goods/services due to lower projected amount for Situational Awareness Incident Response, a tool to adjust and track key computer security measures. | 3,204 | -44 |
| Decrease in information technology services due to lower EDUCATE costs. | 11,273 | <u>-154</u> |
| Subtotal, decreases | | -584 |
| Net change | | +2,676 |

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Authorizing Legislation
(\$000s)

| Activity | 2010 Authorized | 2010 Estimate | 2011 Authorized | 2011 Request |
|----------------------------------|--------------------|------------------|--------------------|-----------------|
| Civil rights (DEOA, Section 203) | Indefinite | \$103,024 | Indefinite | \$105,700 |

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Appropriations History
(\$000s)

| | Budget Estimate to Congress | House Allowance | Senate Allowance | Appropriation |
|-----------------|-----------------------------------|---------------------|----------------------|---------------------|
| 2002 | 79,934 | 79,934 | 79,934 | 79,934 |
| 2002 Rescission | | | | -268 |
| 2003 | 89,710 | 86,276 | 86,276 | 85,715 |
| 2004 | 91,275 | 91,275 | 77,884 | 88,305 |
| 2005 | 92,801 | 90,248 | 92,801 | 89,375 |
| 2006 | 91,526 | 91,526 | 91,526 | 90,611 |
| 2007 | 92,866 | N/A ¹ | N/A ¹ | 91,205 ¹ |
| 2008 | 93,771 | 93,771 | 93,771 | 89,612 |
| 2009 | 96,826 | 96,040 ² | 89,612 ² | 96,826 |
| 2009 Transfer | | | | -60 |
| 2010 | 103,024 | 103,024 | 103,024 ³ | 103,024 |
| 2011 | 105,700 | | | |

¹ This account operated under a full-year continuing resolution (P.L. 110-5). House and Senate Allowance amounts are shown as N/A (Not Available) because neither body passed a separate appropriations bill.

² The levels for the House and Senate allowances reflect action on the regular annual 2009 appropriations bill, which proceeded in the 110th Congress only through the House Subcommittee and the Senate Committee.

³ The level for the Senate allowance reflects Committee action only.

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Office for Civil Rights

(DEOA, section 203)

FY 2010 Authorization (\$000s): Indefinite

Budget Authority (\$000s):

| | <u>2010</u> | <u>2011</u> | <u>Change</u> |
|---------------|---------------|---------------|---------------|
| Personnel | \$76,323 | \$79,292 | +\$2,969 |
| Non-Personnel | <u>26,701</u> | <u>26,408</u> | - 293 |
| Total | \$103,024 | \$105,700 | +\$2,676 |
| FTE Level | 609 | 614 | 5 |

PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services – whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet to, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

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These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 14,000 local educational agencies; nearly 6,500 postsecondary institutions, including proprietary schools and community colleges; 82 State rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

OCR PROGRAM INFORMATION

OCR's enforcement of civil rights law is multi-faceted and requires a sufficient number of well-educated and highly trained staff. OCR considers these "knowledge workers" essential to fulfill its mission to ensure equal access to educational programs and activities through civil rights law enforcement. OCR's law enforcement program includes policy development, administrative enforcement, and other activities including proactive initiatives. With an annual caseload of approximately 6,000 complaints per year, resolving complaints alleging discrimination is the core work of the organization.

Moreover, as described throughout this document, OCR promotes compliance with civil rights through its extensive technical assistance and outreach activities. These activities include a wide range of presentations to and consultations with recipients and covered entities regarding civil rights requirements. OCR also issues policy guidance to advise recipients and covered entities about their legal obligations and about OCR's approach to enforcing and applying civil rights laws in various situations.

Organizational Structure and Staffing

The Office for Civil Rights requires a staffing level of 614 FTEs to support its mission. Currently, 90 percent of OCR's staff are based in 12 enforcement offices throughout the country, and the remaining 10 percent occupies OCR's Headquarters office. The Headquarters Office and DC Metro Enforcement Offices are located in Washington, DC, and the remaining 11 Enforcement Offices are located in 10 Regional Centers and 1 Field Office locations throughout the Nation: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle; and Cleveland.

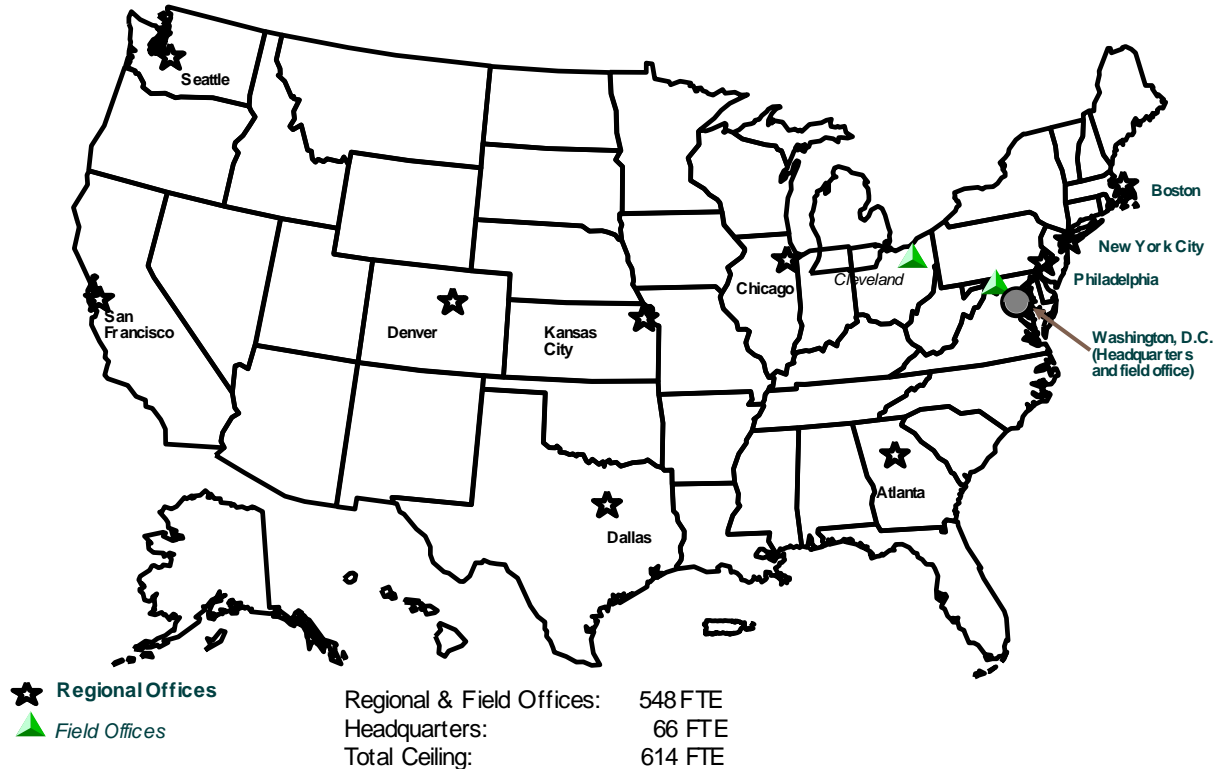
OCR is headed by an Assistant Secretary and a Principal Deputy Assistant Secretary. Deputy Assistant Secretaries for Enforcement and Policy report directly to the Principal Deputy Assistant Secretary. The Deputy Assistant Secretary for Enforcement is responsible for oversight of 12 enforcement offices and two Enforcement Directors. These Enforcement Directors provide leadership and coordinate compliance activities on a daily basis with the 12 Enforcement offices. The Deputy Assistant Secretary for Policy oversees the headquarters' Program Legal Group, the Resource Management Group, and other front office activities. The Program Legal Group provides a range of legal services including: developing policy guidance on civil rights issues, developing technical assistance materials, and consulting on cases from the enforcement divisions. This group also consults with other Department offices on the Civil Rights Data Collection, oversees data analysis and dissemination, and helps ensure that civil rights issues are appropriately addressed within Department programs and

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initiatives and among Federal agencies. The Resource Management Group supports the Office nationwide in the areas of customer service, information technology, budget, procurement, and the management of human capital.

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FY 2011 Headquarters/Regional Staff



Funding levels for the past 5 fiscal years were as follows:

| | (\$000s) |
|------------|----------|
| 2006 | \$90,611 |
| 2007 | 91,205 |
| 2008 | 89,612 |
| 2009 | 96,826 |
| 2010 | 103,024 |

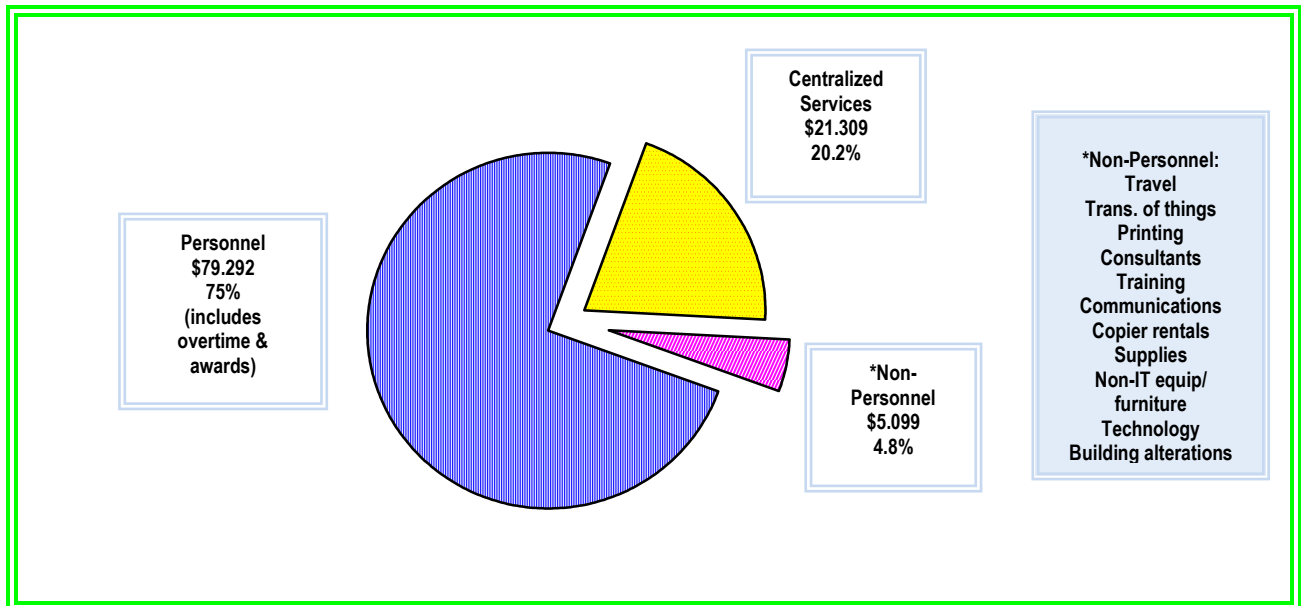
FY 2011 BUDGET REQUEST

The total FY 2011 request is \$105.700 million with a Full-Time Equivalent (FTE) level of 614. This request is a \$2.676 million or 2.6 percent increase over the FY 2010 level of \$103.024 million.

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- The Personnel Compensation and Benefits (PC&B) request of \$79.292 million is an increase of \$2.969 million over the FY 2010 level of \$76.323 million due to the proposed Federal Government pay and benefits increases. OCR's FTE has increased by 5 FTE over the 2010 level to 614 FTE. The additional FTE will ensure successful management of OCR's enforcement programs and priorities.
- OCR's FY 2011 share of the Department's Centralized Services (overhead) amount of \$21.309 million reflects a decrease of \$210,000 below the FY 2010 level of \$21.519 million.
- Non-Personnel costs, excluding centralized services, will be \$5.099 million, or \$83,000 less than the FY 2010 level of \$5.182 million. In addition to the Civil Rights Data Collection (CRDC) and analysis, non-personnel costs are primarily for travel, training, legal services, and software support to operate OCR's Case and Activity Management System (CAMS).

**FY 2011 BUDGET
(Dollars in Millions)
Total: \$105.700
FTE: 614**

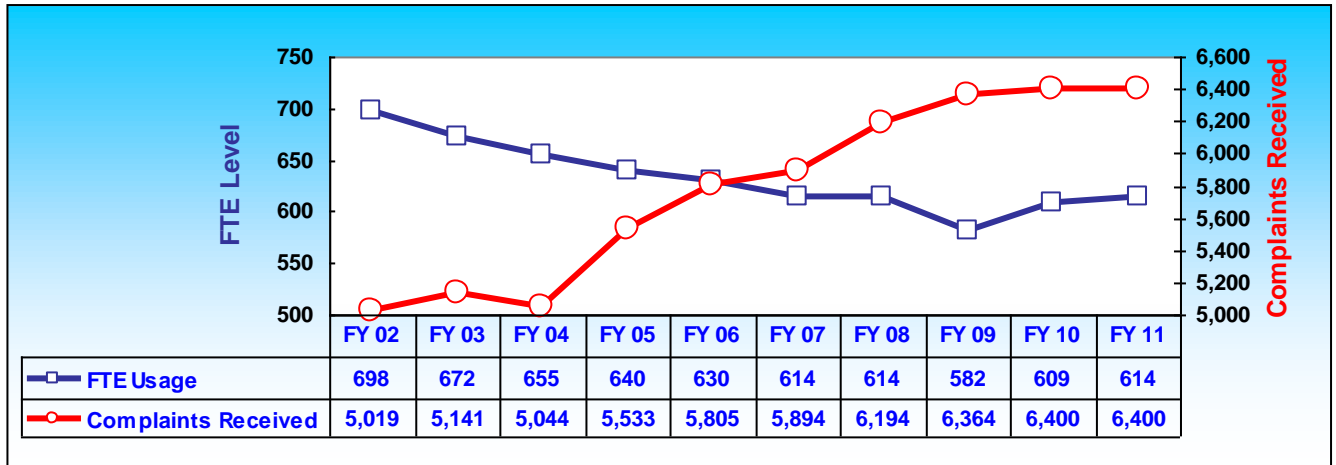


Personnel Costs

For FY 2011, PC&B costs are 75 percent of the request, or \$79.292 million. This is \$2.969 million over the FY 2010 level of \$76.323 million for PC&B to support a staffing level of 614 FTE. Over the past 8 years, from 2002 to 2009, OCR reduced its staffing level by

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17 percent even though complaint receipts increased by 27 percent. The following chart compares actual complaints received and FTE levels from 2002 to 2009, and estimates for 2010 and 2011.



OCR reduced its 2009 budgeted FTE level to 595 from the 2008 level of 614; the actual usage in 2009 was 582. OCR anticipates filling key positions currently vacant in 2010, resulting in anticipated FTE usage of 609. The 2011 requested FTE level is 614. The PC&B request will cover the FY 2010 Governmentwide pay raise of 2 percent and as well as the FY 2011 proposed pay raise of 1.4 percent and historically based increases for benefits.

Awards & Overtime

OCR is requesting \$650,000 for awards and \$18,000 for overtime. The level for awards is an increase of \$81,000 over FY 2010. OCR rewards staff based upon performance. The requested amount will enable OCR to provide appropriate recognition for high performance and will compensate those who work additional hours to complete work in tight deadlines, consistent with departmental policy.

Non-Personnel Costs

Non-personnel costs are critical to ensure that OCR staff has the required resources to accomplish its mission of civil rights enforcement. The total request for non-personnel activities in FY 2011, excluding departmental centralized services, is \$5.099 million, which is a decrease of \$83,000 from the 2010 level, due to cost savings in training. The CRDC will be level-funded at \$3.203 million. The requested non-personnel funds will provide program support to resolve complaints of discrimination filed by the public and to ensure that institutions receiving Federal financial assistance are in compliance with the civil rights laws enforced by OCR.

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Below is a summary of the resources required for OCR to carry out its mission:

Information Technology Services/Contracts — OCR is requesting a total of \$3.391 million, level-funded with FY 2010. The funds in this area cover the Case and Activities Management System (CAMS; \$188,000) and the Civil Rights Data Collection and Analysis (CRDC; \$3.203 million). More information on these activities is provided on pages 21 and 18, respectively.

Printing — The request of \$86,000 for printing is the same as the FY 2010 level. Funds requested are for printing regulations, policy guidance, pamphlets, Dear Colleague letters, the annual report to Congress, personnel recruitment advertisements, and OCR letterhead; and for restocking OCR's publications inventory.

Travel — OCR is requesting a travel budget of \$900,000, an increase of \$2,000 over the FY 2010 level. The majority of OCR's travel is directly associated with investigating complaints, conducting compliance reviews, monitoring corrective action plans, providing technical assistance, and conducting other compliance activities. Complaint investigations and compliance reviews often require staff to go onsite to gather data and conduct interviews to determine if civil rights laws have been violated. Travel costs are also associated with training, conference attendance, workshops, invitational speakers, and OCR-wide management meetings in central locations. Additionally, OCR will redirect staff resources to provide technical assistance to ensure that funds provided to recipients under the American Recovery and Reinvestment Act (ARRA) are spent in a manner that complies with civil rights laws. If funds are not provided at the requested level, OCR's ability to conduct onsite investigations and proactive activities, and to train enforcement office staff would be greatly diminished, thus negatively impacting OCR's law enforcement program.

Training — OCR is requesting a training budget of \$62,000, which is a projected cost savings of \$100,000 from the FY 2010 level. Savings will be achieved by conducting more in-house and onsite training. A significant number of OCR staff will be eligible for retirement by FY 2011 and will be replaced by those with less experience. Funds requested will enable OCR to implement a training and development strategy to ensure that OCR employees receive adequate programmatic and professional development to keep pace with the changing work environment and the investigative approach to case processing. The strategy includes internal and external training on leadership development and supervision; policy and civil rights case law; innovative investigative techniques; nationwide quality, consistency, and efficiency in case processing; and the expanded use of electronic systems for case management.

Communication/Copier Rentals and Operations and Maintenance of Facilities — OCR is requesting a total of \$96,000, no change from the FY 2010 level. The funds are needed for existing copier rental agreements (\$95,000) and maintenance of facilities (\$1,000).

Other Services/Interagency/Transportation — OCR is requesting a total of \$274,000, an increase of \$15,000 above the 2010 level. The request includes:

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- Integrated Postsecondary Education Data System (IPEDS) Web-Based Data Collection Completions and Fall Staffing Surveys (\$40,000). This is an increase of \$15,000 above the FY 2010 level. The IPEDS surveys are conducted in collaboration with the National Center for Education Statistics for postsecondary institutions that award undergraduate, graduate, and professional degrees. For the IPEDS completions survey (\$20,000), data are collected on student enrollment by race, ethnicity, and sex in postsecondary educational institutions. For the IPEDS fall staffing survey (\$20,000), data are collected by race, ethnicity, and sex on professional teaching staff, administrative personnel, and general employees of postsecondary education institutions.
- Legal Research Services (\$100,000) — This is level-funded with FY 2010. A contract provides an automated full-text legal information system that offers online access to continuously updated and archived Federal and State case law, statutes of all 50 States, legal publications, and law reports. If this project is not funded, it would eliminate the ability of attorneys to conduct desktop legal research and would necessitate their spending valuable time out of the office conducting legal research.
- All Other Services/Interagency/transportation (\$134,000) — These areas are level-funded with FY 2010. They include ED Pubs (\$50,000); conference space rentals (\$36,000); interagency services for General Services Administration leased vehicles and equipment (\$44,000); and transportation of things (\$4,000).

Supplies — OCR is requesting \$220,000, which is level-funded with FY 2010. A significant amount of supply funds is used to purchase and renew educational journal subscriptions and other legal publications in order to maintain updated materials in OCR's law libraries. Funds are also spent on copier paper, case file folders, and needed office supplies.

Equipment/Furniture and Building Alterations — OCR is requesting \$70,000 for furniture/equipment and building alterations, which is level-funded with FY 2010. The equipment/furniture funds will be used for unusual and special orders. Funding for building alterations includes additions and modifications made to the building structure, lighting improvements, and other costs to improve working conditions, or to better utilize existing space that could lead to cost savings in rent charges.

Departmental Centralized Support

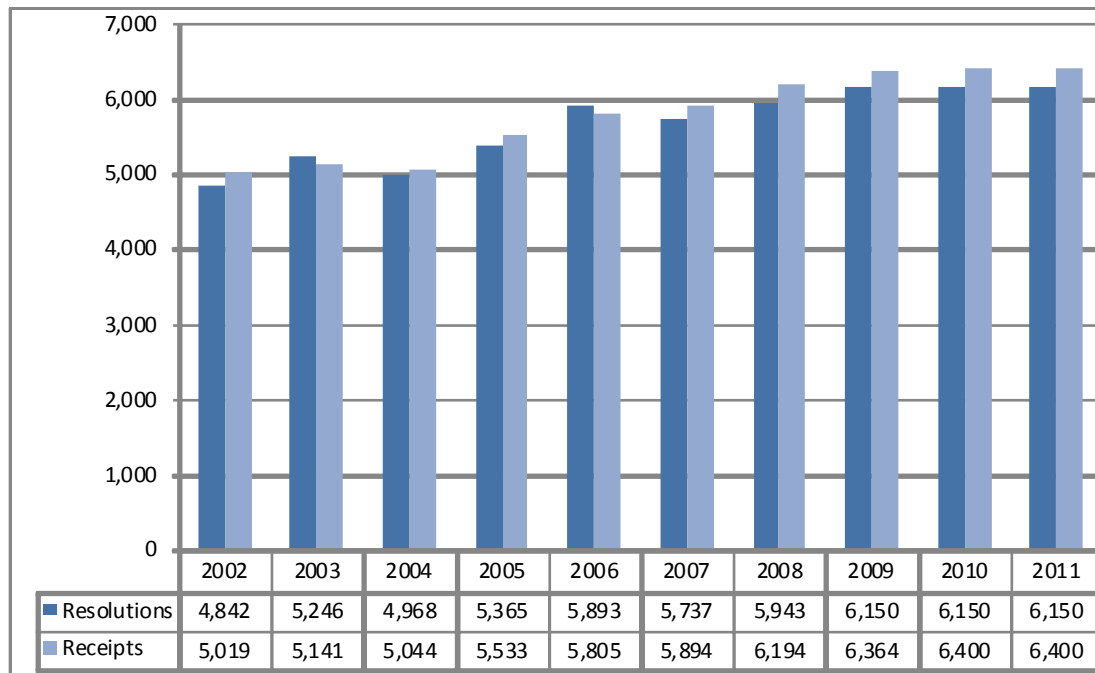
Approximately 81 percent of the total non-personnel budget request is to cover OCR's share of the Department's centralized services. The FY 2011 request is \$21.309 million, a decrease of \$210,000 from the FY 2010 level of \$21.519 million. The funding request will cover the cost of services such as: rent; training; records information management support services; and interagency agreements for administrative services provided by other Federal agencies, such as payroll processing, overtime utilities, training coordinator and career counseling; and the EDUCATE contract that covers telecommunications, IT processing services, network support, end-user support, maintenance, and improvements.

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PROGRAM OUTPUT MEASURES

OCR is a civil rights law enforcement agency whose focus is resolving complaints alleging discrimination in federally funded educational programs and activities. The following chart shows the number of complaint receipts and resolutions since FY 2001. Actual data are shown for FYs 2002-2009, and estimates are shown for FYs 2010 and 2011.

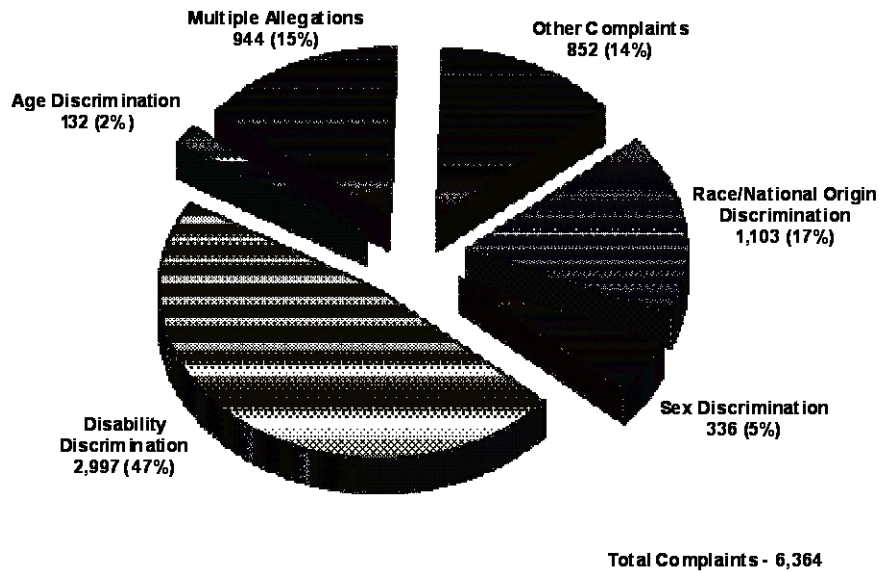
**Complaint Receipts and Resolutions
FYs 2002 – 2011**



OCR provides information to the public on its activities that include assistance on how to file complaints. As of September 30, 2009, for FY 2009, complaints alleging discrimination on the basis of disability comprise 47 percent of total complaint receipts, as shown in the following chart.

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FY 2009 Complaint Caseload by Jurisdiction (October 1, 2008- September 30, 2009)



PROGRAM PERFORMANCE INFORMATION

Performance Measures

OCR's performance measures are designed to assess the efficiency and accessibility of the complaint resolution process. The first performance measure has two targets encompassing OCR's entire complaint workload: 80 percent of complaints with due dates in the relevant fiscal year are resolved in 180 days and no more than 25 percent of pending complaint workload is over 180 days old. Together, the two targets hold OCR accountable for efficient case resolution.

OCR's second performance measure looks at customer satisfaction through a customer service survey that is distributed after case resolution to both complainants and recipients. The survey measures courteous and considerate treatment of customers, prompt communication (oral and written) and clear and responsive communication (oral and written), and whether the customer was kept informed about his or her case. Based on responses to the survey in FY 2005, OCR's customer satisfaction performance baseline was established at 3.66 (on a scale of 1 through 5). The score for FY 2009 was 3.93.

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Current performance measures for complaint workload:

| Measure: Percentage of complaints resolved within 180 days. | | |
|--|---------------|---------------|
| Year | Target | Actual |
| 2006 | 80 | 91 |
| 2007 | 80 | 93 |
| 2008 | 80 | 91 |
| 2009 | 80 | 92 |
| 2010 | 80 | |
| 2011 | 80 | |

| Measure: Percentage of complaints pending over 180 days. | | |
|---|---------------|---------------|
| Year | Target | Actual |
| 2006 | < 25 | 21 |
| 2007 | < 25 | 18 |
| 2008 | < 25 | 18 |
| 2009 | < 25 | 15 |
| 2010 | < 25 | |
| 2011 | < 25 | |

| Measure: Mean score of customer satisfaction survey. | | |
|---|---------------|---------------|
| Year | Target | Actual |
| 2006 | 3.66 | 3.84 |
| 2007 | 3.66 | 3.96 |
| 2008 | 3.66 | 3.99 |
| 2009 | 3.66 | 3.93 |
| 2010 | 3.66 | |
| 2011 | 3.66 | |

Civil Rights Compliance and Enforcement

From FY 2002 to 2011, OCR's complaint receipts have risen 28 percent, from 5,019 to a projected 6,400. Complaint investigation is a labor-intensive activity. A variety of techniques are used to resolve complaints. OCR's complaint resolution process was outlined most recently in OCR's Case Processing Manual (CPM), issued in March 2008. Under some circumstances, OCR facilitates a voluntary resolution between the parties. More typically, however, once a complaint has been evaluated and the allegations are found to be within OCR's jurisdiction, an investigation is conducted. Agreements are negotiated with recipients when compliance concerns are established. Once an agreement is reached, OCR monitors the agreement's implementation until the recipient remediates all necessary action. If the recipient is unwilling to negotiate with OCR or if the negotiations reach an impasse, OCR issues a Letter of Findings.

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The recipient is then given another opportunity to negotiate a remedy before OCR issues a Letter of Impending Enforcement Action and initiates and conducts enforcement proceedings through an administrative hearing or refers the case to the Department of Justice (DOJ).

Over the last decade, approximately 52 percent of OCR's complaint receipts have alleged disability discrimination. OCR intends to maximize the impact of resources spent on these investigations by expanding its proactive compliance and technical assistance activities under Section 504 and Title II. OCR's National Enforcement Strategy includes activities in the area of disability, addressing such issues as: equal access to education for disabled veterans, overrepresentation of minorities in special education, misidentification of language minority students in special education, physical accessibility to postsecondary education programs and facilities, and the transition of students with disabilities from high school to college.

Significant Projects and Initiatives

Boy Scouts of America Equal Access Act

OCR has developed information to aid staff in enforcing the Boy Scouts Act and its implementing regulations. The Boy Scouts Act regulation requires public elementary and secondary schools, local educational agencies (LEAs), and State educational agencies (SEAs) that receive funds made available through the Department to submit an assurance of compliance with the law. In FY 2009, OCR continued to followup with any LEA or SEA that had not submitted the assurance of compliance form as initially requested in FY 2006. OCR has obtained OMB approval to continue to distribute assurance forms to recipients as needed.

Civil Rights Data Collection

Historically, the Civil Rights Data Collection (CRDC) has collected school and district level civil rights data directly from a sample of approximately 6,000 school districts. This contrasts to other data collections within the Department where data (including district- and school-level data) are collected by SEAs, which compile and report the data to the Department. The ED Facts system collects data directly from LEAs using the Web-based EDEN Survey Tool (EST). OCR cancelled its regularly scheduled 2008-2009 CRDC due to budgetary constraints. OCR notified school districts that it will instead be conducting a 2009-2010 CRDC, as well as the regularly scheduled 2010-2011 CRDC. The anticipated cost of the 2010-2011 CRDC is \$3.2 million.

Use of Race in Admission to Educational Institutions

OCR is reviewing recent Supreme Court decisions on the use of race in admission and/or student assignment to educational institutions. OCR will review its policies and issue clarifications, as appropriate, to provide recipients with policies and technical assistance. OCR will also address use of race issues in the context of its enforcement work and in OCR's civil rights reviews of Magnet School Assistance Program grant applications. OCR will also support OCR Enforcement Offices in their analyses of these issues, and will provide staff with investigative and other guidance as necessary.

Access to College Preparatory Curriculum

In some school districts, college-prep courses and Advanced Placement (AP) courses are not as readily available in schools with large minority populations, and minority students are often underrepresented in such courses. Given the recognized value of these courses, including as

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predictors of college completion and as contributors to college success, OCR will engage in enforcement and technical assistance activities to ensure equal access to college prep, AP, and other intense academic high school classes for minority and Limited English Proficient (LEP) students.

Outreach to Limited English Proficiency (LEP) Parents and the Misidentification of LEP Students in Special Education

OCR will continue its enforcement and technical assistance activities to ensure recipients comply with their obligations under Title VI and the Supreme Court's ruling in Lau vs. Nichols to provide appropriate services to students with limited English proficiency. OCR will continue its proactive initiative to increase proper communications with LEP parents and to avoid misidentification of LEP students in special education. While special education programs are essential to ensuring that students with disabilities receive an appropriate education, studies have documented discrepancies in the rates of referral and placement of LEP students in special education. OCR's compliance reviews, focusing on school districts with a disproportionately high percentage of LEP students in special education, will determine whether national-origin minority students have been subjected to discrimination on the basis of their LEP in the referral, evaluation, and placement in special education programs. Consistent with research regarding the value of early childhood education, OCR will also focus attention on access to pre-K programs for young LEP and low-income children. OCR's activities will include technical assistance and outreach to parents of LEP students so that they can actively participate in their children's education.

Overrepresentation and Underservice of Minorities in Special Education

To promote compliance with the non-discrimination mandates of Title VI and Section 504 of the Rehabilitation Act, OCR will continue to conduct compliance reviews focusing upon inappropriate placement of minority students in special education and those not receiving services under the law. Where investigations reveal that school districts are not in compliance with Title VI and/or Section 504, OCR will take appropriate action, including negotiating and monitoring agreements with school districts to remedy violations.

Title IX Compliance Initiative

OCR will continue to conduct its initiative to promote compliance with the non-discrimination mandates of Title IX, with particular emphasis on the underrepresentation of women in science, technology, engineering, and mathematics (STEM) fields and equal opportunity in athletics. As part of this initiative, OCR will review its policies and issue clarifications as appropriate to provide recipients with policies, technical assistance, and self-evaluation tools to help them come into compliance. In addition, OCR will initiate proactive compliance reviews, as well as give presentations on the subject to stakeholders, including elementary, secondary, and postsecondary institutions.

Sexual Harassment and Bullying Initiative

OCR is committed to addressing issues of sexual harassment and bullying in the Nation's schools. OCR will conduct compliance reviews related to sexual harassment and bullying in schools to ensure that students have a safe and secure educational environment that affords them equal educational opportunities, regardless of their sex.

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Assurances of Compliance with the Civil Rights Laws

Each of the civil rights laws OCR enforces require recipients of Federal financial assistance to submit to the Department a signed assurance of compliance with these laws. OCR uses an OMB-approved form to secure signed assurances of compliance from recipients. In FY 2009, OCR accelerated its efforts to secure recipients' signed assurances of compliance from recipients who had not returned their signed forms. OCR will continue to implement a strategy to secure recipients' compliance with this obligation, including through formal enforcement action, if necessary.

Public Education and Technical Assistance Regarding School Closures

In areas where communities may have concerns about proposed and actual school closures, OCR will work with parents, students, and other community members to foster understanding about how school closure may result in increased compliance with students' right to equal educational opportunity, and to support communities in gaining familiarity with and advocating for those rights.

Compliance with OMB's Bulletin on Good Guidance Practices

OMB issued new requirements for Federal agencies for developing and distributing new significant guidance documents and in posting existing significant guidance documents on agency Web sites. These requirements address drafting and using language, agency clearance, OMB notification and review, posting on agency Web sites, public input through public comment, and the filing of public complaints. OCR is working with OGC and other offices in the Department to implement these requirements. Among other developments, OCR's significant guidance documents have been published on the Department's Web site (see <http://www.ed.gov/policy/gen/guid/significant-guidance.doc>). The Web site will be updated as appropriate. OCR will also work with OGC to implement any necessary revisions to the process of identifying and posting significant guidance documents that is necessitated by Executive Order 13497 (Jan. 30, 2009), regarding Federal agency regulatory planning and review.

Management Tools and Activities Supporting Civil Rights Enforcement

National Enforcement Strategy

OCR's National Enforcement Strategy contains proactive activities such as: efforts to ensure equal access to education for minority students, including those with limited English proficiency; addressing overrepresentation of minorities in special education; addressing misidentification of language minority students in special education; facilitating the transition of students with disabilities from high school to college; establishing a training initiative on Title IX compliance; and conducting studies and/or analyses of several high priority civil rights issues such as non-discriminatory access to Advanced Placement courses for students with disabilities and minority students. In addition to starting new compliance reviews and numerous technical assistance activities, OCR will continue resolving open reviews and monitoring resolution agreements.

Quality Improvement and Review Program

OCR's Quality Improvement and Review Program was established to identify best investigative practices and facilitate measurable reduction of errors in case processing. Cases are reviewed to identify the best practice approaches to case investigation, and analytical models are shared among all enforcement offices to enhance the quality, efficiency, and consistency of OCR's

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investigative work nationwide. The number of cases overturned on appeal are reported and monitored.

Training

OCR will continue to implement its national training and developmental strategy, ensuring that OCR employees receive adequate programmatic and professional development. Staff training and development provides opportunities for staff to participate in leadership programs, supervisory training, policy conferences, and continuing legal education. It incorporates ongoing training on use of the CPM to promote consistent application of OCR's case management process.

OCR has completed development of its first Web-based training course. It is available to all OCR staff through the online Learning Management System. The comprehensive course provides a greater understanding of the requirements and methodology necessary to perform high quality OCR investigations.

Information Technology Tools and Activities Supporting Civil Rights Enforcement

Case and Activities Management System

OCR's Case and Activities Management System (CAMS) tracks both OCR's case-related and non-case related activities. CAMS also includes an electronic document management system (DMS) function for document management, storage, and retrieval. OCR provides staff CAMS training on the System's functionality to increase productivity and is expanding the use of CAMS within OCR components. Software upgrades and maintenance are performed annually.

Electronic Policy Library

The Electronic Policy Library now has a comprehensive Web-based library reference tool, developed so that OCR staff can gain a quick understanding of unfamiliar areas of law and policy. The Library also contains succinct narrative explanations of OCR's statutory jurisdictions with annotated references to current policy and key case law incorporated in an easy-to-use reference guide. Retention of this information in an accessible electronic format leverages technology to simplify the management and distribution of knowledge throughout OCR. OCR will review and revise, as necessary, the Electronic Policy Library to ensure information remains current.

Electronic Records Management

Policies and procedures will be developed for storing and sharing documents created or received in OCR. All Privacy and Confidentiality issues will be handled in full compliance with the Federal Information Security Management Act of 2002. A thorough Privacy Impact Assessment will be performed to identify all instances of personally identifiable information and a plan for the security of that data will be implemented. All existing electronic case-related documents will be stored in the document management system. A pilot project is being conducted in one field office to convert all case-related documents into an electronic format as they are received. After the pilot project is evaluated, a plan will be developed for agency-wide implementation of fully electronic case files throughout OCR. OCR plans to integrate the recordkeeping capabilities of records management (RM) with OCR's current work processes as well. Currently paper files are the official copies until the electronic RM system and program is implemented.